



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,010	06/25/2001	John J. Giobbi	47079-00046USP2	9971

30223 7590 06/18/2003
JENKENS & GILCHRIST, P.C.
225 WEST WASHINGTON
SUITE 2600
CHICAGO, IL 60606

EXAMINER

CHERUBIN, YVESTE GILBERTE

ART UNIT PAPER NUMBER

3713

DATE MAILED: 06/18/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/891,010

Applicant(s)

GIOBBI ET AL.

Examiner

Yveste G. Cherubin

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-31 is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-22 and 25 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 23 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the Amendment of the Application No. 09/891,010 filed on April 1, 2003 in which claims 1-2, 6, 8, 16-17, 21, 23, are amended and claims 26-31 are added. Thus, claims 1-31 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 10-22, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss (US Patent No. 6,165,071) in view of Ohno et al. (US Patent No. 5,609,525), and further in view of Walker et al. (US Patent No. 6,364,765).

As per claims 1, 10, 16, 25 Weiss discloses a gaming system allowing players to wager to play a game of chance. Weiss's system further allows player gaming to transpire over a series of sessions without the player losing credit for performances in earlier sessions, see abstract. In order to do that, Weiss allows players the opportunity to initiate play or discontinue play at their own whim as a function of time over a series of session, 1:59-67. Players can play the same game on one or several game machines without losing their game status. Players are provided with a memory card, which stores updates with respect to the progress of the players during the course of a series of plays. Weiss further discloses that when playing, should the player elect to quit or

Art Unit: 3713

pause, the memory card is updated and then returned to the player via slit 6. Weiss fails to disclose "continuing play of the game beginning from the point at which the game was paused". Ohno discloses a video game capable of saving game status in the game operation memory at the time of termination, 2:20-24. When the player wishes to play the same game at another time, the player is able to retrieve the game status from game memory and play the game at the point or scene where the game was terminated, 2:52-56. Although Ohno teaches a video gaming system as opposed to a wagering system, it would have been obvious to one of ordinary skill in the art to provide the *teaching* of Ohno into the Weiss type system in order to provide a more appealing system and encourage players to come back to the casino sites. Weiss in view of Ohno both fail to disclose "storing the status of the paused or stopped game at a central database linked to and remote from the gaming machine and retrieving the status of the paused game from the central database". Walker teaches a gaming system including a central controller connected to a plurality of gaming devices, 1:58-60, 4:5-15. In reference to Figs 5-6, Walker's system is able to record player session status, 9:22-23, which can be retrieved at appropriate time, 12:49-67. It would have been obvious to one of skill in the art at the time the invention was made to modify the Weiss in view of Ohno type system by providing the networking environment as taught by Walker in order to be able to save or store player gaming status in the central storage to facilitate data transmission and not having to provide players with memory cards which they can easily lose. As per claims 2, 6, 13, Weiss discloses players being allowed to play the same on one or several machines without losing the game status, 2:52-53. In 4:65-67,

5:1-6, Weiss further states that upon the insertion of the memory card, which as stated above, stores the player gaming status, the machine prompts the player for a wager. This passage is being read as the player having to pay another wager every time a gaming session is being initiated, therefore receiving another wager to continue playing is obvious, 4:65-67, 5:1-14. As per claims 3-4, 17-19 Weiss further discloses the memory card storing updates with respect to progress, 2:44-47. As per claims 5, 11, 20, 21 Walker teaches storing and retrieving game outcome associated with player identifier as shown in Figs. 6a-6c, 9:50-67, 10:1-13. As per claims 7, 14, 22, Walker discloses personal identifier being provided using a keypad, 5:50-54, 11:29-31. As per claim 12, it would be obvious to one of skill in the art at the time the invention was made to set up the system to provide the personal identifier to the central storage prior to retrieving the status of the paused game since the game status is associated with the player identifier. It's obvious that if the player identifier is not provided prior to playing or retrieving game status, the system will not know whose status to retrieve. As per claim 15, it recites the limitations recited in claims 1, 5, 12 combined which are already dealt with above, therefore refer to the rejection of claims 1, 5, 12 above for rejection.

Allowable Subject Matter

3. a. Claims 8-9 and 23-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- b. Claims 26-31 are allowed over the prior art of record.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance: upon extensive searches of system and method for saving status of paused game of chance, the Examiner submits that the prior art fails to disclose "a gaming machine comprising "if a status of a first wagering game meets predetermined criteria, unlocking an otherwise unavailable feature of a second wagering game such that the feature is available to the player" as recited in independent claims 26 and 28.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. US Patent No. 6,386,979 to Ho et al. which teaches methods and systems for transferring game saves between a game system memory card and a computer.

b. US Patent No. 6,338,680 to Connors which teaches method for editing game saves transferred between a game console and a computer.

Response to Arguments

6. Applicant's arguments with respect to claims 1-7, 10-22 and 25 have been considered but are moot in view of the new ground(s) of rejection. See rejection above.

Art Unit: 3713

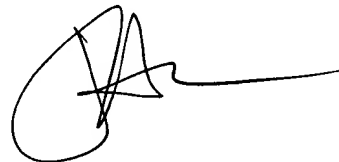
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yveste G. Cherubin whose telephone number is (703) 306-3027. The examiner can normally be reached on 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A. Wellington can be reached on (703) 308-2159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

June 13, 2003

ygc



**JESSICA HARRISON
PRIMARY EXAMINER**